



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

JAN 15 2009

Property: Cobb Block, 48 Main Street, Middlebury, VT
Project Number: 21115

Dear Mr.

My review of your appeal of the decision by Technical Preservation Services (TPS), National Park Service, which denied certification of the rehabilitation of the property cited above, is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. Thank you for speaking via conference call with me in Washington on November 13, 2008 and for providing a detailed account of the project, and for the additional photographs you subsequently supplied.

After careful review of the complete record for this project, I have determined that the rehabilitation of the Cobb Block building is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 3 and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on August 25, 2008, by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The Cobb Block is a two-story, flat-roofed commercial building within the Middlebury Historic District. The building was certified as contributing to the significance of the historic district for the purposes of rehabilitation on May 5, 2004. Built in 1892, the building has exhibited various exterior siding materials through the years. Several sources identify the original siding as stamped metal. This was subsequently covered with a rusticated concrete meant to mimic stonework at the front and sides. More recently, the rear of the building received a stucco finish. Prior to the rehabilitation in 2007, the false stonework at the side had been replaced with vinyl siding.

The Historic Preservation Certification Application Part 2 - Description of Work submitted November 20, 2007, proposed that the vinyl siding at the eastern elevation be removed and replaced with cedar clapboards and flat-stock window and corner trim. The stucco on the southern (rear) elevation was to be removed and the underlying metal surface to be assessed at that time. New cedar clapboards and flat stock trim would be installed on this elevation. This proposal was accepted by Technical Preservation Services with the condition that all new clapboard siding be finished with paint or opaque stain. During construction the decision was made to abandon the metal siding at the rear and construct the rear and side elevations in the same style. Rather than utilizing paint or opaque stain, the unfinished cedar clapboards were treated with a pigmented oil finish, and a cellular PVC product known under the trade name Azek was used for the white-color trim boards.

Due to the placement of the building overhanging Otter Creek, the cantilevered side elevation is a prominent, attention getting feature, visible to pedestrian and vehicular traffic proceeding over the Otter Creek bridge. The unfinished character of the new siding has dramatically altered the historic character of the building. The building now exhibits a contemporary rustic appearance at the east and south elevations that is not in keeping with the historic appearance of the Cobb Block, or the architectural finishes found on other contributing buildings within the Middlebury Historic District. I agree with TPS that this treatment does not meet Standards 2 or 3. Standard 2 states: *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.* Standard 3 states: *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

At the appeal hearing, you described the problems of moisture and deterioration caused by the location of the building over Otter Creek and explained that your choice of siding treatment was done in an effort to reduce maintenance and the difficulties in construction work at the oddly-sited building.

The Part 2 application states that, "Historic photographs show that the building was originally entirely clad in wood clapboards with narrow, flat trim boards." However, the record does not substantiate that claim. Sanborn Fire Insurance Maps from 1892, 1905 and 1910 all identify the building as tin clad. Indeed, there is a c.1892 photograph in the record showing stamped metal cladding in a brick pattern. The 1927 Sanborn map identifies the building as stone, which is consistent with a c.1950s photograph showing PermaStone on the front and west elevations. The engineer's report noted that under the stucco and expanded metal lath on the rear elevation, metal cladding fastened to the wood framing or wood sheathing was visible. The contractor subsequently determined that the side and rear elevations had stamped metal siding painted to look like brick, but found no clapboard siding. Thus, based on the information submitted it appears that there is no historical evidence that the Cobb Block ever had clapboard siding. Further, when the contractor discovered the original metal siding, the decision should have been made to replace it in kind. Accordingly, I find also that introducing a new exterior treatment to the building to be incompatible with its historic character and in contravention of Standard 6, which states, *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

Unfortunately, the rehabilitation in its current state cannot be approved because of the incompatible exterior treatment of oiled western red cedar clapboards and contrasting white Azek trim boards, as discussed above. However, the effects of this treatment on the historic character of this "certified historic structure" can be suitably remedied, and the project brought into conformance with the Standards, and thereby achieve the requested certification, if the following work is undertaken.

The ideal solution would be to install pressed metal siding in a brick pattern on the side and rear elevations, the better to reference the original and historic material that once covered the building. An alternative would be to retain the clapboard – which I note had been previously approved by TPS and therefore I will allow to remain – but comply with the condition that both the siding and trim boards be finished with an opaque stain or paint compatible with the color of the street facade.

If you choose to proceed with the corrective measures described above, please submit a Part 2 amendment describing the proposed remedial work to Technical Preservation Services, National Park Service, Attention: _____ with a copy to the Vermont State Historic Preservation Office. Note

that this project will remain ineligible for the tax incentives until it is designated a "certified rehabilitation" following completion of the overall project. Please wait for confirmation that the remedial work proposed will be sufficient before beginning the corrective measures described above.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns", with a long, sweeping horizontal stroke extending to the right.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc:

SHPO - VT
IRS